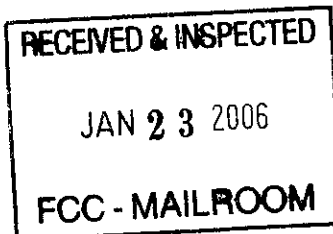


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2006 JAN 24 A 11: 12

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554



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In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

COMMENTS OF CITY OF LINCOLN

These Comments are filed by the City of Lincoln in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, the City of Lincoln believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

The City of Lincoln is a city with a population of 32,000. Our franchised cable providers are Starstream Communications and Surewest Communications. Our community has negotiated cable franchises since 1981.

Competitive Cable Systems

Our community granted a cable license to Surewest Communications, a cable overbuilder, in 2005 and that provider is providing service to our community today. Due to changes in the City's local ordinance (Ordinance 747B), Surewest was granted a cable license versus the franchise granted to Starstream Communications.

The City of Lincoln was approached by Surewest Communications in December 2003 and the City spent approximately three months negotiating with the company in order to bring a competitive cable service to Lincoln residents. The license was officially granted to Surewest in February 2004.

Surewest was cooperative overall during the negotiation process, however the company was unwilling to offer an affordable basic service level.

The City did negotiate with Surewest for a local government channel, which is the same arrangement we have with Starstream.

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The City also worked with Surewest to ensure that their service was available to the entire franchise area, agreeing to a five-year service activation plan scheduled for completion in 2009.

We regret that the City no longer has the ability to control cable rates. We are fortunate that we were able to attract an overbuilder. It is our hope that this competition will reduce the rapid increase in cable rates, but so far this is just a hope.

Conclusions

The local cable franchising process functions well in the City of Lincoln. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Lincoln therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

City of Lincoln, California

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